

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HOUSE BILL 2701

AN ACT

AMENDING SECTIONS 8-341, 11-251 AND 11-1009, ARIZONA REVISED STATUTES;
RELATING TO COUNTY POWERS AND CRIMINAL DAMAGE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 8-341, Arizona Revised Statutes, is amended to
3 read:

4 8-341. Disposition and commitment; definitions

5 A. After receiving and considering the evidence on the proper
6 disposition of the case, the court may enter judgment as follows:

7 1. It may award a delinquent juvenile:

8 (a) To the care of the juvenile's parents, subject to the supervision
9 of a probation department.

10 (b) To a probation department, subject to any conditions the court may
11 impose, including a period of incarceration in a juvenile detention center of
12 not more than one year.

13 (c) To a reputable citizen of good moral character, subject to the
14 supervision of a probation department.

15 (d) To a private agency or institution, subject to the supervision of
16 a probation officer.

17 (e) To the department of juvenile corrections.

18 (f) To maternal or paternal relatives, subject to the supervision of a
19 probation department.

20 (g) To an appropriate official of a foreign country of which the
21 juvenile is a foreign national who is unaccompanied by a parent or guardian
22 in this state to remain on unsupervised probation for at least one year on
23 the condition that the juvenile cooperate with that official.

24 2. It may award an incorrigible child:

25 (a) To the care of the child's parents, subject to the supervision of
26 a probation department.

27 (b) To the protective supervision of a probation department, subject
28 to any conditions the court may impose.

29 (c) To a reputable citizen of good moral character, subject to the
30 supervision of a probation department.

31 (d) To a public or private agency, subject to the supervision of a
32 probation department.

33 (e) To maternal or paternal relatives, subject to the supervision of a
34 probation department.

35 B. If a juvenile is placed on probation pursuant to this section, the
36 period of probation may continue until the juvenile's eighteenth birthday,
37 except that the term of probation shall not exceed one year if all of the
38 following apply:

39 1. The juvenile is not charged with a subsequent offense.

40 2. The juvenile has not been found in violation of a condition of
41 probation.

42 3. The court has not made a determination that it is in the best
43 interests of the juvenile or the public to require continued supervision.
44 The court shall state by minute entry or written order its reasons for
45 finding that continued supervision is required.

1 4. The offense for which the juvenile is placed on probation does not
2 involve the discharge, use or threatening exhibition of a deadly weapon or
3 dangerous instrument or the intentional or knowing infliction of serious
4 physical injury on another.

5 5. The offense for which the juvenile is placed on probation does not
6 involve a violation of title 13, chapter 14 or 35.1.

7 6. Restitution ordered pursuant to section 8-344 has been made.

8 C. If a juvenile is adjudicated as a first time felony juvenile
9 offender, the court shall provide the following written notice to the
10 juvenile:

11 You have been adjudicated a first time felony juvenile
12 offender. You are now on notice that if you are adjudicated of
13 another offense that would be a felony offense if committed by
14 an adult and if you commit the other offense when you are
15 fourteen years of age or older, you will be placed on juvenile
16 intensive probation, which may include home arrest and
17 electronic monitoring, or you may be placed on juvenile
18 intensive probation and may be incarcerated for a period of time
19 in a juvenile detention center, or you may be committed to the
20 department of juvenile corrections or you may be prosecuted as
21 an adult. If you are convicted as an adult of a felony offense
22 and you commit any other offense, you will be prosecuted as an
23 adult.

24 D. If a juvenile is fourteen years of age or older and is adjudicated
25 as a repeat felony juvenile offender, the juvenile court shall place the
26 juvenile on juvenile intensive probation, which may include home arrest and
27 electronic monitoring, may place the juvenile on juvenile intensive
28 probation, which may include incarceration for a period of time in a juvenile
29 detention center, or may commit the juvenile to the department of juvenile
30 corrections pursuant to subsection A, paragraph 1, subdivision (e) of this
31 section for a significant period of time.

32 E. If the juvenile is adjudicated as a repeat felony juvenile
33 offender, the court shall provide the following written notice to the
34 juvenile:

35 You have been adjudicated a repeat felony juvenile
36 offender. You are now on notice that if you are arrested for
37 another offense that would be a felony offense if committed by
38 an adult and if you commit the other offense when you are
39 fifteen years of age or older, you will be tried as an adult in
40 the criminal division of the superior court. If you commit the
41 other offense when you are fourteen years of age or older, you
42 may be tried as an adult in the criminal division of the
43 superior court. If you are convicted as an adult, you will be
44 sentenced to a term of incarceration. If you are convicted as

1 an adult of a felony offense and you commit any other offense,
2 you will be prosecuted as an adult.

3 F. The failure or inability of the court to provide the notices
4 required under subsections C and E of this section does not preclude the use
5 of the prior adjudications for any purpose otherwise permitted.

6 G. Except as provided in subsection S of this section, after
7 considering the nature of the offense and the age, physical and mental
8 condition and earning capacity of the juvenile, the court shall order the
9 juvenile to pay a reasonable monetary assessment if the court determines that
10 an assessment is in aid of rehabilitation. If the director of the department
11 of juvenile corrections determines that enforcement of an order for monetary
12 assessment as a term and condition of conditional liberty is not
13 cost-effective, the director may require the youth to perform an equivalent
14 amount of community restitution in lieu of the payment ordered as a condition
15 of conditional liberty.

16 H. If a child is adjudicated incorrigible, the court may impose a
17 monetary assessment on the child of not more than one hundred fifty dollars.

18 I. A juvenile who is charged with unlawful purchase, possession or
19 consumption of spirituous liquor is subject to section 8-323. The monetary
20 assessment for a conviction of unlawful purchase, possession or consumption
21 of spirituous liquor by a juvenile shall not exceed five hundred dollars.
22 The court of competent jurisdiction may order a monetary assessment or
23 equivalent community restitution.

24 J. The court shall require the monetary assessment imposed under
25 subsection G or H of this section on a juvenile who is not committed to the
26 department of juvenile corrections to be satisfied in one or both of the
27 following forms:

28 1. Monetary reimbursement by the juvenile in a lump sum or installment
29 payments through the clerk of the superior court for appropriate
30 distribution.

31 2. A program of work, not in conflict with regular schooling, to
32 repair damage to the victim's property, to provide community restitution or
33 to provide the juvenile with a job for wages. The court order for
34 restitution or monetary assessment shall specify, according to the
35 dispositional program, the amount of reimbursement and the portion of wages
36 of either existing or provided work that is to be credited toward
37 satisfaction of the restitution or assessment, or the nature of the work to
38 be performed and the number of hours to be spent working. The number of
39 hours to be spent working shall be set by the court based on the severity of
40 the offense but shall not be less than sixteen hours.

41 K. If a juvenile is committed to the department of juvenile
42 corrections, the court shall specify the amount of the monetary assessment
43 imposed pursuant to subsection G or H of this section.

44 L. After considering the length of stay guidelines developed pursuant
45 to section 41-2816, subsection C, the court may set forth in the order of

1 commitment the minimum period during which the juvenile shall remain in
2 secure care while in the custody of the department of juvenile corrections.
3 When the court awards a juvenile to the department of juvenile corrections or
4 an institution or agency, it shall transmit with the order of commitment
5 copies of a diagnostic psychological evaluation and educational assessment if
6 one has been administered, copies of the case report, all other psychological
7 and medical reports, restitution orders, any request for postadjudication
8 notice that has been submitted by a victim and any other documents or records
9 pertaining to the case requested by the department of juvenile corrections or
10 an institution or agency. The department shall not release a juvenile from
11 secure care before the juvenile completes the length of stay determined by
12 the court in the commitment order unless the county attorney in the county
13 from which the juvenile was committed requests the committing court to reduce
14 the length of stay. The department may temporarily escort the juvenile from
15 secure care pursuant to section 41-2804, may release the juvenile from secure
16 care without a further court order after the juvenile completes the length of
17 stay determined by the court or may retain the juvenile in secure care for
18 any period subsequent to the completion of the length of stay in accordance
19 with the law.

20 M. Written notice of the release of any juvenile pursuant to
21 subsection L of this section shall be made to any victim requesting notice,
22 the juvenile court that committed the juvenile and the county attorney of the
23 county from which the juvenile was committed.

24 N. Notwithstanding any law to the contrary, if a person is under the
25 supervision of the court as an adjudicated delinquent juvenile at the time
26 the person reaches eighteen years of age, treatment services may be provided
27 until the person reaches twenty-one years of age if the court, the person and
28 the state agree to the provision of the treatment and a motion to transfer
29 the person pursuant to section 8-327 has not been filed or has been
30 withdrawn. The court may terminate the provision of treatment services after
31 the person reaches eighteen years of age if the court determines that any of
32 the following applies:

- 33 1. The person is not progressing toward treatment goals.
- 34 2. The person terminates treatment.
- 35 3. The person commits a new offense after reaching eighteen years of
36 age.
- 37 4. Continued treatment is not required or is not in the best interests
38 of the state or the person.

39 O. On the request of a victim of an act that may have involved
40 significant exposure as defined in section 13-1415 or that if committed by an
41 adult would be a sexual offense, the prosecuting attorney shall petition the
42 adjudicating court to require that the juvenile be tested for the presence of
43 the human immunodeficiency virus. If the victim is a minor the prosecuting
44 attorney shall file this petition at the request of the victim's parent or
45 guardian. If the act committed against a victim is an act that if committed

1 by an adult would be a sexual offense or the court determines that sufficient
2 evidence exists to indicate that significant exposure occurred, it shall
3 order the department of juvenile corrections or the department of health
4 services to test the juvenile pursuant to section 13-1415. Notwithstanding
5 any law to the contrary, the department of juvenile corrections and the
6 department of health services shall release the test results only to the
7 victim, the delinquent juvenile, the delinquent juvenile's parent or guardian
8 and a minor victim's parent or guardian and shall counsel them regarding the
9 meaning and health implications of the results.

10 P. If a juvenile has been adjudicated delinquent for an offense that
11 if committed by an adult would be a felony, the court shall provide the
12 department of public safety Arizona automated fingerprint identification
13 system established in section 41-2411 with the juvenile's fingerprints,
14 personal identification data and other pertinent information. If a juvenile
15 has been committed to the department of juvenile corrections the department
16 shall provide the fingerprints and information required by this subsection to
17 the Arizona automated fingerprint identification system. If the juvenile's
18 fingerprints and information have been previously submitted to the Arizona
19 automated fingerprint identification system the information is not required
20 to be resubmitted.

21 Q. Access to fingerprint records submitted pursuant to subsection P of
22 this section shall be limited to the administration of criminal justice as
23 defined in section 41-1750. Dissemination of fingerprint information shall
24 be limited to the name of the juvenile, juvenile case number, date of
25 adjudication and court of adjudication.

26 R. If a juvenile is adjudicated delinquent for an offense that if
27 committed by an adult would be a misdemeanor, the court may prohibit the
28 juvenile from carrying or possessing a firearm while the juvenile is under
29 the jurisdiction of the department of juvenile corrections or the juvenile
30 court.

31 S. ~~The court shall order~~ IF a juvenile ~~who~~ is adjudicated delinquent
32 for a violation of section 13-1602, subsection A, paragraph 5, **THE COURT**
33 **SHALL ORDER THE JUVENILE** to pay a fine of at least three hundred dollars but
34 not more than one thousand dollars. Any restitution ordered shall be paid in
35 accordance with section 13-809, subsection A. The court may order the
36 juvenile to perform community restitution in lieu of the payment for all or
37 part of the fine if it is in the best interests of the juvenile. The amount
38 of community restitution shall be equivalent to the amount of the fine by
39 crediting any service performed at a rate of ten dollars per hour. **IF THE**
40 **JUVENILE IS CONVICTED OF A SECOND OR SUBSEQUENT VIOLATION OF SECTION 13-1602,**
41 **SUBSECTION A, PARAGRAPH 5 AND IS ORDERED TO PERFORM COMMUNITY RESTITUTION,**
42 **THE COURT MAY ORDER THE PARENT OR GUARDIAN OF THE JUVENILE TO ASSIST THE**
43 **JUVENILE IN THE PERFORMANCE OF THE COMMUNITY RESTITUTION IF BOTH OF THE**
44 **FOLLOWING APPLY:**

1 1. THE PARENT OR GUARDIAN HAD KNOWLEDGE THAT THE JUVENILE INTENDED TO
2 ENGAGE IN OR WAS ENGAGING IN THE CONDUCT THAT GAVE RISE TO THE VIOLATION.

3 2. THE PARENT OR GUARDIAN KNOWINGLY PROVIDED THE JUVENILE WITH THE
4 MEANS TO ENGAGE IN THE CONDUCT THAT GAVE RISE TO THE VIOLATION.

5 T. For the purposes of this section:

6 1. "First time felony juvenile offender" means a juvenile who is
7 adjudicated delinquent for an offense that would be a felony offense if
8 committed by an adult.

9 2. "Repeat felony juvenile offender" means a juvenile to whom both of
10 the following apply:

11 (a) Is adjudicated delinquent for an offense that would be a felony
12 offense if committed by an adult.

13 (b) Previously has been adjudicated a first time felony juvenile
14 offender.

15 3. "Sexual offense" means oral sexual contact, sexual contact or
16 sexual intercourse as defined in section 13-1401.

17 Sec. 2. Section 11-251, Arizona Revised Statutes, is amended to read:

18 11-251. Powers of board

19 The board of supervisors, under such limitations and restrictions as
20 are prescribed by law, may:

21 1. Supervise the official conduct of all county officers and officers
22 of all districts and other subdivisions of the county charged with assessing,
23 collecting, safekeeping, managing or disbursing the public revenues, see that
24 such officers faithfully perform their duties and direct prosecutions for
25 delinquencies, and, when necessary, require the officers to renew their
26 official bonds, make reports and present their books and accounts for
27 inspection.

28 2. Divide the counties into such districts or precincts as required by
29 law, change them and create others as convenience requires.

30 3. Establish, abolish and change election precincts, appoint
31 inspectors and judges of elections, canvass election returns, declare the
32 result and issue certificates thereof.

33 4. Lay out, maintain, control and manage public roads, ferries and
34 bridges within the county and levy such tax for that purpose as may be
35 authorized by law.

36 5. Provide for the care and maintenance of the sick of the county,
37 erect and maintain hospitals for that purpose and, in its discretion, provide
38 a farm in connection with the county hospital and adopt ordinances for
39 working the farm.

40 6. Provide suitable rooms for county purposes.

41 7. Purchase, receive by donation or lease real or personal property
42 necessary for the use of the county prison and take care of, manage and
43 control the property, but no purchase of real property shall be made unless
44 the value has been previously estimated by three disinterested citizens of

1 the county, appointed by the board for that purpose, and no more than the
2 appraised value shall be paid for the property.

3 8. Cause to be erected and furnished a courthouse, jail and hospital
4 and such other buildings as necessary, and construct and establish a branch
5 jail, when necessary, at a point distant from the county seat.

6 9. Sell at public auction, after thirty days' previous notice given by
7 publication in a newspaper of the county, stating the time and place of the
8 auction, and convey to the highest bidder, for cash or contract of purchase
9 extending not more than ten years from the date of sale and upon such terms
10 and conditions and for such consideration as the board shall prescribe, any
11 property belonging to the county that the board deems advantageous for the
12 county to sell, or which the board deems unnecessary for use by the county,
13 and shall pay the proceeds thereof into the county treasury for use of the
14 county, except that personal property need not be sold but may be used as a
15 trade-in on the purchase of personal property when the board deems this
16 disposition of the personal property to be in the best interests of the
17 county. When the property for sale is real property, the board shall have
18 such property appraised by a qualified independent fee appraiser who has an
19 office located in this state. The appraiser shall establish a minimum price,
20 which shall not be less than ninety per cent of the appraised value. The
21 notice regarding the sale of real property shall be published in the county
22 where the property is situated and may be published in one or more other
23 counties, and shall contain, among other things, the appraised value, the
24 minimum acceptable sale price, and the common and legal description of the
25 real property. Notwithstanding the requirement for a sale at public auction
26 prescribed in this paragraph, a county, with unanimous consent of the board,
27 without a public auction, may sell or lease any county property to any other
28 duly constituted governmental entity, including the state, cities, towns and
29 other counties. A county, with unanimous consent of the board, without
30 public auction, may sell or lease any county property for a specific use to
31 any solely charitable, social or benevolent nonprofit organization
32 incorporated or operating in this state. A county may dispose of surplus
33 equipment and materials that have little or no value or that are
34 unauctionable in any manner authorized by the board.

35 10. Examine and exhibit the accounts of all officers having the care,
36 management, collection or disbursement of money belonging to the county or
37 appropriated by law or otherwise for the use and benefit of the county.

38 11. Examine, settle and allow all accounts legally chargeable against
39 the county, order warrants to be drawn on the county treasurer for that
40 purpose and provide for issuing the warrants.

41 12. Levy such tax annually on the taxable property of the county as may
42 be necessary to defray the general current expenses thereof, including
43 salaries otherwise unprovided for, and levy such other taxes as are required
44 to be levied by law.

- 1 13. Equalize assessments.
- 2 14. Direct and control the prosecution and defense of all actions to
- 3 which the county is a party, and compromise them.
- 4 15. Insure the county buildings in the name of and for the benefit of
- 5 the county.
- 6 16. Fill by appointment all vacancies occurring in county or precinct
- 7 offices.
- 8 17. Adopt provisions necessary to preserve the health of the county,
- 9 and provide for the expenses thereof.
- 10 18. With the approval of the department of health services, contract
- 11 with any qualified person to provide all or part of the health services,
- 12 funded through the department of health services with federal or state
- 13 monies, that the board in its discretion extends to residents of the county.
- 14 19. Contract for county printing and advertising, and provide books and
- 15 stationery for county officers.
- 16 20. Provide for rebinding county records, or, if necessary, the
- 17 transcribing of county records.
- 18 21. Make and enforce necessary rules and regulations for the government
- 19 of its body, the preservation of order and the transaction of business.
- 20 22. Adopt a seal for the board, a description and impression of which
- 21 shall be filed by the clerk in the office of the county recorder and the
- 22 secretary of state.
- 23 23. Establish, maintain and conduct or aid in establishing, maintaining
- 24 and conducting public aviation fields, purchase, receive by donation or lease
- 25 any property necessary for that purpose, lease, at a nominal rental if
- 26 desired, sell such aviation fields or property to the United States or any
- 27 department, or sell or lease such aviation fields to a city, exchange lands
- 28 acquired pursuant to this section for other lands, or act in conjunction with
- 29 the United States in maintaining, managing and conducting all such
- 30 property. If any such property or part of that property is not needed for
- 31 these purposes, it shall be sold by the board and the proceeds shall be paid
- 32 into the general fund of the county.
- 33 24. Acquire and hold property for the use of county fairs, and conduct,
- 34 take care of and manage them.
- 35 25. Authorize the sheriff to offer a reward, not exceeding ten thousand
- 36 dollars in one case, for information leading to the arrest and conviction of
- 37 persons charged with crime.
- 38 26. Contract for the transportation of insane persons to the state
- 39 hospital or direct the sheriff to transport such persons. The county is
- 40 responsible for such expense to the extent the expense is not covered by any
- 41 third party payor.
- 42 27. Provide for the reasonable expenses of burial for deceased
- 43 indigents as provided in section 36-831 and maintain a permanent register of
- 44 deceased indigents, including name, age and date of death, and when burial

1 occurs, the board shall mark the grave with a permanent marker giving the
2 name, age, and date of birth, if known.

3 28. Sell or grant to the United States the title or interest of the
4 county in any toll road or toll train in or partly within a national park,
5 upon such terms and consideration as may be agreed upon by the board and the
6 secretary of the interior of the United States.

7 29. Enter into agreements for acquiring rights-of-way, construction,
8 reconstruction or maintenance of highways in their respective counties,
9 including highways that pass through Indian reservations, with the government
10 of the United States, acting through its duly authorized officers or agents
11 pursuant to any act of Congress, except that the governing body of any Indian
12 tribe whose lands are affected must consent to the use of its land, and any
13 such agreements entered into before June 26, 1952 are validated and
14 confirmed.

15 30. Do and perform all other acts and things necessary to the full
16 discharge of its duties as the legislative authority of the county
17 government.

18 31. Make and enforce all local, police, sanitary and other regulations
19 not in conflict with general law.

20 32. Budget for funds for foster home care during the school week for
21 mentally retarded and otherwise handicapped children who reside within the
22 county and attend a school for the handicapped in a city or town within such
23 county.

24 33. Do and perform all acts necessary to enable the county to
25 participate in the economic opportunity act of 1964 (P.L. 88-452; 78 Stat.
26 508), as amended.

27 34. Provide a plan or plans for its employees that provide tax deferred
28 annuity and deferred compensation plans as authorized pursuant to title 26,
29 United States Code. Such plans shall allow voluntary participation by all
30 employees of the county. Participating employees shall authorize the board
31 to make reductions in their remuneration as provided in an executed deferred
32 compensation agreement.

33 35. Adopt and enforce standards for shielding and filtration of
34 commercial or public outdoor portable or permanent light fixtures in
35 proximity to astronomical or meteorological laboratories.

36 36. Subject to the prohibitions, restrictions and limitations as set
37 forth in section 11-830, adopt and enforce standards for excavation, landfill
38 and grading to prevent unnecessary loss from erosion, flooding and
39 landslides.

40 37. Make and enforce necessary ordinances for the operation and
41 licensing of any establishment not in the limits of an incorporated city or
42 town in which is carried on the business of providing baths, showers or other
43 forms of hydrotherapy or any service of manual massage of the human body.

44 38. Provide pecuniary compensation as salary or wages for overtime work
45 performed by county employees, including those employees covered by title 23,

1 chapter 2, article 9. In so providing, the board may establish salary and
2 wage plans incorporating classifications and conditions prescribed by the
3 federal fair labor standards act.

4 39. Establish, maintain and operate facilities that provide for
5 physical evaluation, diagnosis and treatment of patients and that do not keep
6 patients overnight as bed patients or treat patients under general
7 anesthesia.

8 40. Enact ordinances under its police authority prescribing reasonable
9 curfews in the entire unincorporated area or any area less than the entire
10 unincorporated area of the county for minors and fines not to exceed the fine
11 for a petty offense for violation of such ordinances. Nothing in this
12 paragraph shall be construed to require a request from an association or a
13 majority of the residents of an area before the board may enact an ordinance
14 applicable to the entire or any portion of the unincorporated area. An
15 ordinance enacted pursuant to this paragraph shall provide that a minor is
16 not violating a curfew if the minor is accompanied by a parent, a guardian or
17 an adult having supervisory custody, is on an emergency errand or has been
18 specifically directed to the location on reasonable, legitimate business or
19 some other activity by the parent, guardian or adult having supervisory
20 custody. If no curfew ordinance is applicable to a particular unincorporated
21 area of the county, the board may adopt a curfew ordinance on the request or
22 petition of either:

23 (a) A homeowners' association that represents a majority of the
24 homeowners in the area covered by the association and to which the curfew
25 would apply.

26 (b) A majority of the residents of the area to which the curfew would
27 apply.

28 41. Lease or sublease personal property owned by the county to other
29 political subdivisions of this state to be used for a public purpose.

30 42. In addition to the agreements authorized by section 11-651, enter
31 into long-term agreements for the purchase of personal property, provided
32 that the board may cancel any such agreement at the end of a fiscal year, at
33 which time the seller may repossess the property and the agreement shall be
34 deemed terminated.

35 43. Make and enforce necessary ordinances not in conflict with the laws
36 of this state to regulate off-road recreational motor vehicles that are
37 operated within the county on public lands without lawful authority or on
38 private lands without the consent of the lawful owner or that generate air
39 pollution. For the purposes of this paragraph, "off-road recreational motor
40 vehicle" means three and four wheel vehicles manufactured for recreational
41 nonhighway all terrain travel.

42 44. Acquire land for roads, drainage ways and other public purposes by
43 exchange without public auction, except that notice shall be published thirty
44 days before the exchange, listing the property ownership and descriptions.

1 45. Purchase real property for public purposes, provided that final
2 payment shall be made not later than five years after the date of purchase.

3 46. Lease-purchase real property and improvements for real property for
4 public purposes, provided that final payment shall be made not later than
5 twenty-five years after the date of purchase. Any increase in the final
6 payment date from fifteen years up to the maximum of twenty-five years shall
7 be made only on unanimous approval by the board of supervisors.

8 47. Make and enforce ordinances for the protection and disposition of
9 domestic animals subject to inhumane, unhealthful or dangerous conditions or
10 circumstances **PROVIDED THAT NOTHING IN THIS PARAGRAPH LIMITS OR RESTRICTS THE**
11 **AUTHORITY GRANTED TO INCORPORATED CITIES AND TOWNS OR COUNTIES PURSUANT TO**
12 **SECTION 13-2910.** An ordinance enacted pursuant to this paragraph shall not
13 restrict or limit the authority of the game and fish commission to regulate
14 the taking of wildlife. For the purposes of this paragraph, "domestic
15 animal" means an animal kept as a pet and not primarily for economic
16 purposes.

17 48. If a part of a parcel of land is to be taken for roads, drainage,
18 flood control or other public purposes and the board and the affected
19 property owner determine that the remainder will be left in such a condition
20 as to give rise to a claim or litigation concerning severance or other
21 damage, acquire the whole parcel by purchase, donation, dedication, exchange,
22 condemnation or other lawful means, and the remainder may be sold or
23 exchanged for other properties needed for any public purpose.

24 49. Make and enforce necessary rules providing for the reimbursement of
25 travel and subsistence expenses of members of county boards, commissions and
26 advisory committees when acting in the performance of their duties, if the
27 board, commission or advisory committee is authorized or required by federal
28 or state law or county ordinance, and the members serve without compensation.

29 50. Provide a plan or plans for county employee benefits that allow for
30 participation in a cafeteria plan that meets the requirements of the United
31 States internal revenue code of 1986.

32 51. Provide for fringe benefits for county employees, including sick
33 leave, personal leave, vacation and holiday pay and jury duty pay.

34 52. Make and enforce ordinances that are more restrictive than state
35 requirements to reduce or encourage the reduction of carbon monoxide and
36 ozone levels, provided an ordinance does not establish a standard for
37 vehicular emissions, including ordinances to reduce or encourage the
38 reduction of the commuter use of motor vehicles by employees of the county
39 and employees whose place of employment is in unincorporated areas of the
40 county.

41 53. Make and enforce ordinances to provide for the reimbursement of up
42 to one hundred per cent of the cost to county employees of public bus or van
43 pool transportation to and from their place of employment.

44 54. Lease for public purposes any real property, improvements for real
45 property and personal property under the same terms and conditions, to the

1 extent applicable, as are specified in sections 11-651 and 11-653 for
2 lease-purchases.

3 55. Enact ordinances prescribing regulation of alarm systems and
4 providing for civil penalties to reduce the incidence of false alarms at
5 business and residential structures relating to burglary, robbery, fire and
6 other emergencies not within the limits of an incorporated city or town.

7 56. In addition to paragraph 9 of this section, and notwithstanding
8 section 23-504, sell or dispose of, at no less than fair market value, county
9 personal property that the board deems no longer useful or necessary through
10 a retail outlet or to another government entity if the personal property has
11 a fair market value of no more than one thousand dollars, or by retail sale
12 or private bid, if the personal property has a fair market value of no more
13 than fifteen thousand dollars. Notice of sales in excess of one thousand
14 dollars shall include a description and sale price of each item and shall be
15 published in a newspaper of general circulation in the county, and for thirty
16 days after notice other bids may be submitted that exceed the sale price by
17 at least five per cent. The county shall select the highest bid received at
18 the end of the thirty day period.

19 57. Sell services, souvenirs, sundry items or informational
20 publications that are uniquely prepared for use by the public and by
21 employees and license and sell information systems and intellectual property
22 developed from county resources that the county is not obligated to provide
23 as a public record.

24 58. On unanimous consent of the board of supervisors, license, lease or
25 sell any county property pursuant to paragraphs 56 and 57 of this section at
26 less than fair market value to any other governmental entity, including this
27 state, cities, towns, public improvement districts or other counties within
28 or outside of this state, or for a specific purpose to any charitable, social
29 or benevolent nonprofit organization incorporated or operating in this state.

30 59. On unanimous consent of the board of supervisors, provide technical
31 assistance and related services to a fire district pursuant to an
32 intergovernmental agreement.

33 60. Adopt contracting procedures for the operation of a county health
34 system pursuant to section 11-291. Before the adoption of contracting
35 procedures the board shall hold a public hearing. The board shall publish
36 one notification in a newspaper of general circulation in the county seat at
37 least fifteen days before the hearing.

38 61. Enter into an intergovernmental agreement pursuant to chapter 7,
39 article 3 of this title for a city or town to provide emergency fire or
40 emergency medical services pursuant to section 9-500.23 to a county island as
41 defined in section 11-251.12. The board may charge the owners of record in
42 the county island a fee to cover the cost of an intergovernmental agreement
43 that provides fire and emergency medical services.

44 62. In counties that employ or have designated an animal control county
45 enforcement agent pursuant to section 11-1005, enter into agreements with

1 foundations or charitable organizations to solicit donations, property or
2 services, excluding enforcement or inspection services, for use by the county
3 enforcement agent solely to perform nonmandated services and to fund capital
4 improvements for county animal control, subject to annual financial and
5 performance audits by an independent party as designated by the county board
6 of supervisors. For the purposes of this paragraph, nonmandated services are
7 limited to low cost spay and neuter services, public education and outreach
8 efforts, pet adoption efforts, care for pets that are victims of cruelty or
9 neglect and support for volunteer programs.

10 63. Adopt ordinances prohibiting open fires and campfires on lands in
11 the unincorporated areas of the county that are private property islands
12 within the boundaries of a national forest or United States bureau of land
13 management or state land holdings, if such a prohibition has been declared by
14 a national forest, the United States bureau of land management or the state
15 forester.

16 64. Fix the amount of license fees to be paid by any person, firm,
17 corporation or association for carrying on any game or amusement business in
18 unincorporated areas of the county and prescribe the method of collection or
19 payment of those fees, for a stated period in advance, and fix penalties for
20 failure to comply by fine. Nothing in this article shall be construed as
21 authorizing any county to require an occupational license or fee for any
22 activity if state law precludes requiring such a license or fee.

23 65. Adopt and enforce ordinances for the prevention, abatement and
24 removal of graffiti, providing that any restrictions on the retail display of
25 potential graffiti tools be limited to any of the following, **AS DETERMINED BY**
26 **THE RETAIL BUSINESS:**

27 (a) In a place that is in the line of sight of a cashier or in the
28 line of sight from a work station normally continuously occupied during
29 business hours.

30 (b) In a manner that makes the product accessible to a patron of the
31 business establishment only with the assistance of an employee of the
32 establishment.

33 (c) In an area electronically protected, or viewed by surveillance
34 equipment that is monitored, during business hours.

35 Sec. 3. Section 11-1009, Arizona Revised Statutes, is amended to read:

36 **11-1009. Kennel permit; fee; inspections; denial; violation;**
37 **classification**

38 A. A person operating a kennel shall obtain a permit issued by the
39 board of supervisors of the county where the kennel is located except if each
40 individual dog is licensed.

41 B. The annual fee for the kennel permit is seventy-five dollars or the
42 actual cost of recovery as determined by the board of supervisors.

43 C. A dog remaining within the kennel is not required to be licensed
44 individually under section 11-1008. A dog leaving the controlled kennel
45 conditions shall be licensed under section 11-1008 except if the dog is only

1 being transported to another kennel ~~which~~ THAT has a permit issued under this
2 section.

3 D. A person who fails to obtain a kennel permit under this section is
4 subject to a penalty of twenty-five dollars in addition to the annual fee.

5 E. THE COUNTY SHALL DENY A KENNEL PERMIT TO ANY PERSON WHO HAS BEEN
6 CONVICTED OF A VIOLATION OF SECTION 13-2910 OR 13-2910.01 OR ANY OTHER STATE,
7 COUNTY OR MUNICIPAL ANIMAL WELFARE LAW, EXCEPT VIOLATIONS OF LICENSE AND
8 LEASH LAWS.

9 ~~E.~~ F. A person who knowingly fails to obtain a kennel permit within
10 thirty days after written notification from the county enforcement agent is
11 guilty of a class 2 misdemeanor.